

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
AT BECKLEY**

CENTER FOR BIOLOGICAL DIVERSITY,
et al.,

Plaintiffs,

v.

UNITED STATES FOREST SERVICE, *et al.*

Defendants,

v.

SOUTH FORK COAL COMPANY, LLC,

Defendant-Intervenor.

Civil Action No. 5:24-cv-00274
(Chief Judge Volk)

DECLARATION OF WILLIE DODSON

I, Willie Dodson, state and declare as follows:

1. The following facts are personally known to me and if called as a witness I could and would truthfully testify to these facts.
2. I am a resident of Barnardsville, North Carolina. I have lived in the Appalachian region since the age of 16.

3. I hold a Bachelor of Arts degree in Appalachian Studies from Berea College in Berea, Kentucky.

4. I work for Appalachian Voices, a tax-exempt, non-profit, membership-based organization founded in 1997 with offices in Virginia, North Carolina, and Tennessee.

5. Appalachian Voices advocates for the protection of Appalachian communities, watersheds, ecosystems, and species from the fossil fuel economy and advocates for a just transition to a renewable energy economy. Our organization has 956 members throughout the Appalachian region and beyond. Appalachian Voices' members include 26 West Virginian residents.

6. Appalachian Voices' staff and members are dedicated to the protection of Appalachian communities, ecosystems, and species through grassroots advocacy, community science, policy, education, and the law. The intergenerational legacy of coal mining destruction continues to wreak havoc on Appalachian people, species, and ecosystems. Appalachian Voices monitors the damage being done to communities, ecosystems, and species by coal mining, and works to prevent harm and ensure that environmental regulation sufficiently protects communities, species, ecosystems, and the interests of Appalachian Voices' members.

7. Since its founding in 1997, Appalachian Voices has worked to achieve its mission through stream water quality monitoring, organizing with residents of watersheds impacted by coal mining, administrative advocacy with environmental regulatory agencies, and partnerships with other organizations to ensure that legal protections for Appalachian communities, ecosystems, and species are properly implemented. Appalachian Voices relies on the Endangered Species Act ("ESA") and the National Environmental Policy Act ("NEPA"), among other laws, to protect human communities, watersheds, and species and provide information on

environmental impacts to its members and the public. Appalachian Voices also educates the public, lawmakers and policymakers about the plight of Appalachian communities and watersheds, advocates for greater protection of Appalachian people, watersheds and wildlife, and defends them in court.

8. I became a member of Appalachian Voices on December 21, 2015. I have also worked for Appalachian Voices, first as the Central Appalachian Field Coordinator, then the Coal Impacts Program Coordinator, and now the Coal Impacts Program Manager. My job is to track the impacts of the coal industry on workers, the environment, and the community, and to work with people who are bearing the brunt of those impacts to try to improve whatever situation is hurting them in some way. My job includes policy advocacy, community organizing, research and investigative reporting, environmental monitoring, and other tasks.

9. I am personally deeply concerned about the degradation of Appalachian watersheds and the precipitous decline of dozens of freshwater species from Appalachian streams due to coal mining impacts. My interests in protecting the watersheds and species inhabiting rivers, streams, and tributaries in West Virginia—including those impacted by the Rocky Run Mine and the associated road use permit (“RUP”) for Forest Service Roads 223 and 249, such as the North and South Fork Cherry River—is dependent on the continued existence of healthy, sustainable, and accessible ecosystems and populations. Any activities that destroy, degrade, or diminish these watersheds and ecosystems, or that kill, injure, harm, harass, or displace populations of listed species, such as the candy darter, interfere with my efforts to defend and nurture Appalachian communities, watersheds, and species, and my use and enjoyment of these ecosystems and species.

10. I have conducted water quality monitoring in occupied designated critical habitat for the candy darter in West Virginia on numerous occasions. While doing this water quality monitoring work, I have observed sedimentation of the candy darter's habitat from upstream coal mines and associated activities.

11. I also personally enjoy looking for these species in their critical habitat with the hope of observing them. Specifically, I have conducted water quality monitoring in the South Fork Cherry River of West Virginia, in designated critical habitat subunit 5f for the candy darter. My monitoring locations include points in the South Fork Cherry River at its confluences with Beech Lick Run, Rocky Run, Little Rocky Run, Becky Run and Cold Knob Fork, and/or in these tributaries themselves immediately above their confluences with the South Fork Cherry River. Rocky Run and Little Rocky Run all receive drainage and sediment from the Rocky Run Surface Mine. My monitoring locations in these tributaries are all within two miles downstream of the Rocky Run Surface Mine. I have also monitored water quality on Bear Run adjacent to FS 223, and in the Cherry River below the confluence of the North and South forks in the town of Richwood. The Rocky Run Surface Mine (Permit # S300212), and Forest Service Road 249, drain directly into the South Fork Cherry River, and so my desire to protect and view candy darters in their critical habitat subunit 5f is threatened by coal mine pollution from the Rocky Run Surface Mine and the associated RUP.

12. I plan to return to the area at least once each season in the coming year to continue this water quality monitoring and to look for candy darters.

16. The Forest Service's failure to follow the ESA and NEPA procedures that would protect candy darters, northern long-eared bats, and Indiana bats and their habitats in the Cherry River watershed when issuing the RUP detracts from and diminishes my ability to enjoy the area.

17. If this Court were to order the Forest Service to complete the necessary environmental reviews, which may result in increased efforts to eliminate or alleviate the impacts associated with the mine and the haul roads, that would redress my injury, at least in part, because it means that the candy darter and the other species that call the South Fork Cherry River home may receive greater protections, increasing the likelihood that I will be able to continue to view them in the future.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed on the 26nd day of November, 2024 in Grundy, Virginia.

A handwritten signature in black ink, appearing to read 'CW D', is centered on the page.

Christopher “Willie” Dodson